

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW MERCER-KINSER,

Defendants.

Case No. 19-20772

Hon. TERRENCE G. BERG

STIPULATION CONCERNING EXCLUDABLE DELAY

At the hearing on defendant's motion in limine held on August 4, 2021, in person at the courthouse with defendant present, the Court indicated that it would take the pending motion under advisement and issue a written opinion and order. During a discussion concerning scheduling following the ruling on the pending motion, defense counsel indicated that the defense needs additional time to prepare for trial in order to meet with the government to review images, as discussed on the record during the hearing; engage a forensic computer specialist and conduct a forensic review of the case evidence; and conduct plea negotiations with the government. Defendant acknowledged the same on the record, personally agreed that additional time was needed to prepare for trial, and personally agreed to enter

into the instant stipulation concerning excludable delay. The government has no objection.

The parties further stipulate and agree that based on these reasons, the ends of justice outweigh the best interests of the public and defendant in a speedy trial, and that the time from August 4, 2021 to January 11, 2022 should be excluded from the computation of time under the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7).

SO STIPULATED AND AGREED,

FOR THE UNITED STATES:

s/ Erin S. Shaw
ERIN S. SHAW
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FOR THE DEFENDANT:

s/ Kimberly Stout (with consent)
KIMBERLY STOUT
Attorney for Defendant Mercer-Kinser
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(248) 258-3181

Dated: August 9, 2021

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ORDER

Upon this Court's consideration of the parties' stipulation, and of the reasons provided by the parties for the exclusion of time under the Speedy Trial Act, and the Court being fully advised of its premises;

IT IS HEREBY ORDERED that trial is set for January 11, 2022.

IT IS FURTHER ORDERED that the time period from August 4, 2021 through January 11, 2022 shall be deemed excludable delay under the provisions of the Speedy Trial Act, 18 U.S.C §3161(h)(7). This Court finds that the defense needs additional time to prepare for trial in order to meet with the government to review images, as discussed on the record during the hearing on the motion in limine; engage a forensic computer specialist and conduct a forensic review of the case evidence; and conduct plea negotiations with the government, that the ends of

justice served by this delay outweigh the best interests of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Plea due: December 3, 2021

Final Pretrial Conference: December 16, 2021 at 10:00 a.m.

Jury Trial: January 11, 2021 at 9:00 a.m.

/s/Terrence G. Berg

Hon. Terrence G. Berg

United States District Judge

Dated: August 10, 2021